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May 13, 2008

**Via ECF**

Honorable Judge Berman  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Vargas et al. v. Midtown Air Condition  
07 Cv. 3343 (RMB)

Dear Honorable Judge Berman:

This office represents the plaintiffs in the above referenced action.

We write to respond to defendant's letter of May 12, 2008 to this Honorable Court.

Firstly, we apologize to this Court and to opposing counsel for the tardy filing of Plaintiffs' response to Defendant's Motion for Summary. However, while we disagree with defendant's request that this Honorable Court disregard plaintiffs' opposition to the Motion for Summary Judgment, we consent that defendant be given as much time as necessary within which to properly file its reply brief.

The delay in filing was caused, in part, because since the Court's April 15, 2008 revised scheduling order, the undersigned has been forced to go to Maryland on several occasions to tend to his two elderly parents. One of the undersigned's parent is undergoing chemotherapy treatment and the other is physically disabled, and tending to their various medical needs, have recently caused several interruptions and delays.

In addition, plaintiffs' ability to respond as scheduled was complicated by the fact that the undersigned was also in the midst of responding to two other motions in the matters of Mahadin -vs.- NYC HHC, et al. 97 Civ. 4312 (EHN) (RML), and Antoine Jones v. Roc-A-Fell Films, Inc., et. al. Docket No.: 07-Cv-3648. I have also been forced to request additional time to respond to one of these motions.

As such, plaintiffs did not have an opportunity to properly respond to defendants' motion until May 12, 2008.

Accordingly, we ask that this Court allow our tardy filing, and separately grant defendant the *maximum* time necessary in which to properly file its reply papers.

Finally, plaintiff has filed a Notice for Filing Exhibits in Paper Form and a copy of plaintiffs' responsive papers, including the Affirmation has been mailed out to all parties. Thus, we expect defendants to receive the same in short order.

Respectfully,

/s/

Ambrose W. Wotorson, Jr. (AWW -2412)

cc: Eric Stuart, Esq.